

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492

Master Docket No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Geraldine Soat
Brown

**MOTION FOR LEAVE TO PAY
NOTICE PROGRAM EXPENSES FROM THE SETTLEMENT FUND**

Settlement Class Counsel respectfully requests that the Court grant leave to the Program Administrator to pay Notice Program expenses from the Settlement Fund in the amount of \$1,090,616.73. The NCAA does not oppose this motion. In support thereof, Settlement Class Counsel states as follows:

A. Request for Payment of Notice Program Expenses Incurred for the Period August 24, 2014 to January 20, 2017 And Previously Approved by the Court

1. On June 16, 2017, Gilardi & Co., LLC (“Gilardi”), the Notice Administrator, submitted an invoice to Settlement Class Counsel for \$1,015,303.99. *See Exhibit B to Declaration of Rachel Christman Regarding Notice Program Expenses dated August 7, 2017 (“8/7/17 Christman Decl.”).*

2. Exhibit B reflects notice and administrative costs incurred from August 24, 2014 through January 20, 2017. 8/7/17 Christman Decl., ¶ 4. The Court previously approved the \$1,001,012.73 in direct notice and administrative costs reflected on this invoice. *See Minute Entry (Dkt #405). Exhibit B reflects the approved amount plus applicable sales taxes.*

B. Request for Payment for Notice Program Expenses Incurred for the Period January 21, 2017 to May 31, 2017

3. On June 16, 2017, Gilardi also submitted an invoice to Settlement Class Counsel for \$75,312.74 in connection with implementation of the Notice Program approved by the Court. *See Exhibit A to 8/7/17 Christman Decl.*

4. Pursuant to the Court's instructions, Gilardi has demonstrated that the costs "are in line with the projections addressed in" the Second Declaration of Rachel Christman Regarding Notice Program Expenses filed March 3, 2017 (Dkt #365-1). 8/7/17 Christman Decl., ¶ 3.

5. Specifically, Ms. Christman outlines each category of costs incurred against the projected costs as follows:

Category	Projected Costs (3/3/17 Christman Decl.)	Current Costs (8/7/17 Christman Decl.)	"Unused" Projected Costs Remaining
Case Management System Maintenance	\$1,893.75 (¶ 13.a)	\$675.00 (¶ 3.a)	\$1,218.75
Format Documents	\$51.25 (¶ 13.b)	\$75.00 (¶ 3.b)	\$0.00
Staff Hours Processing Data Files	\$14,860.00 (¶ 13.d)	\$3,600.00 (¶ 3.c)	\$11,260.00
Staff Hours Providing Customer Service Support to Institutions	\$750.00 (¶ 13.e)	\$750.00 (¶ 3.d)	\$0.00
Second Round Email Notice – Email Campaign Management	\$450.00 (¶ 12.b)	\$275.00 (¶ 3.e)	\$175.00
Second Round Postcard Mailing – Print Costs	\$52,551.07 (¶ 12.e)	\$137.20 (¶ 3.f)	\$52,413.87
Second Round	\$480,466.88 (¶	\$1,254.40 (¶ 3.g)	\$479,212.48

Postcard Mailing – Postage Costs	12.g)		
Second Round Postcard Mailing – Print Production	\$800.00 (¶ 12.f)	\$200.00 (¶ 3.h)	\$600.00
RUM Scanning	\$37,002.50 (¶ 12.h)	\$37,002.50 (¶ 3.i)	\$0.00
Staff Hours Performing RUM & Remail Services	\$2,000.00 (¶ 12.l)	\$832.00 (¶ 3.j)	\$1,168.00
Website Maintenance: Two Websites	\$2,500.00 (¶ 13.f)	\$375.00 (¶ 3.k)	\$2,125.00
Server Space Rental: Settlement Website	\$250.00 (¶ 13.g)	\$200.00 (¶ 3.l)	\$50.00
Server Space Rental: NCAA Upload Site	\$200.00 (¶ 13.h)	\$200.00 (¶ 3.m)	\$0.00
Project Management	\$59,900.00 (¶ 13.c)	\$7,175.00 (¶ 3.n)	\$52,725.00
Opt-Out/Objection Processing	\$3,250.00 (¶ 13.i)	\$2,325.00 (¶ 3.o)	\$925.00
Correspondence Processing	\$2,883.00 (¶ 13.j)	\$75.00 (¶ 3.p)	\$2,808.00
Weekly Statistics Reporting	\$1,250.00 (¶ 13.k)	\$450.00 (¶ 3.q)	\$800.00
Declarations	\$2,500.00 (¶ 13.l)	\$1,675.00 (¶ 3.r)	\$825.00
Telephone Support: Ongoing Script Management	\$750.00 (¶ 13.m)	\$150.00 (¶ 3.s)	\$600.00
IVR Line Charges; IVR Transfer Fee; Staff Hours Providing Phone Support	\$7,935.01 (¶ 13.n)	\$17,835.50 (¶ 3.t)	\$0.00

6. Gilardi also explained that it “will ensure that future invoices remain within the overall budget of \$2,135,380.21 approved by the Court in its May 9, 2017 Order (Dkt #405),” except with respect to two categories. 8/7/17 Christman Decl., n.1.

7. The first exception is with respect to the costs for server space for the Settlement Website. Gilardi originally anticipated transferring the Settlement Website to Garretson upon a final approval date during the summer of 2017. However, due to the extensions of the schedule, Gilardi continues to host the Settlement Website at a cost of \$50 per month. 8/7/17 Christman Decl., n.2. Gilardi thus anticipates additional costs of \$1,200 more than projected. *Id.*

8. The second exception is with respect to costs for the NCAA Upload Site, which remained active longer than anticipated in order to capture the data from the member institutions that provided data after the deadline. The costs thus exceeded the projection by \$150.00. 8/7/17 Christman Decl., n.3. Gilardi expects to deactivate this site in August 2017 and thus will not incur additional costs in this category.

9. The NCAA does not oppose this motion.

WHEREFORE, Settlement Class Counsel respectfully requests approval for payment of Gilardi’s June 16, 2017 invoices from the Fund in the total amount of \$1,090,616.73.

Date: August 8, 2017

Respectfully submitted,

By: /s/ Steve W. Berman

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Settlement Class Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on August 8, 2017, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman
Steve W. Berman